

Queensland



**JUSTICE AND OTHER  
LEGISLATION  
(MISCELLANEOUS  
PROVISIONS) BILL 2000**



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(MISCELLANEOUS PROVISIONS) BILL  
2000**

**TABLE OF PROVISIONS**

Section		Page
1	Short title .....	4
2	Commencement .....	4
3	Acts amended .....	4
4	Repeal .....	4
	<b>SCHEDULE</b> .....	<b>5</b>
	<b>AMENDMENTS OF ACTS</b>	
	ACTS INTERPRETATION ACT 1954 .....	5
	AUSTRALIAN CONSULAR OFFICERS' NOTARIAL POWERS AND EVIDENCE ACT 1946 .....	7
	CHILDRENS COURT ACT 1992 .....	8
	CRIMINAL CODE .....	9
	DRUG REHABILITATION (COURT DIVERSION) ACT 2000 .....	9
	EVIDENCE ACT 1977 .....	10
	EVIDENCE AND DISCOVERY ACT 1867 .....	12
	FREEDOM OF INFORMATION ACT 1992 .....	12
	JUDGES (PENSIONS AND LONG LEAVE) ACT 1957 .....	13
	JUDGES (SALARIES AND ALLOWANCES) ACT 1967 .....	13
	JUDICIAL REVIEW ACT 1991 .....	14
	JUSTICES ACT 1886 .....	14
	LAW REFORM ACT 1995 .....	15
	MAGISTRATES COURTS ACT 1921 .....	16
	MAINTENANCE ACT 1965 .....	16

*Justice and Other Legislation (Miscellaneous  
Provisions)*

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OATHS ACT 1867 .....	16
PENALTIES AND SENTENCES ACT 1992 .....	17
PROPERTY LAW ACT 1974 .....	17
PUBLIC TRUSTEE ACT 1978 .....	18
ROYAL QUEENSLAND THEATRE COMPANY ACT 1970 .....	19
STATE PENALTIES ENFORCEMENT ACT 1999 .....	20
STATUTORY INSTRUMENTS ACT 1992 .....	25
STIPENDIARY MAGISTRATES ACT 1991 .....	25
SUPREME COURT ACT 1995 .....	29
SUPREME COURT OF QUEENSLAND ACT 1991 .....	31
TRUST ACCOUNTS ACT 1973 .....	31
TRUSTEE COMPANIES ACT 1968 .....	32
TRUSTS ACT 1973 .....	33

**2000**

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**A BILL**

**FOR**

**An Act to make various amendments to legislation administered by  
the Attorney-General and Minister for Justice and Minister for  
The Arts, and for other purposes**

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*Justice and Other Legislation (Miscellaneous  
Provisions)*

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**The Parliament of Queensland enacts—** 1

**Short title** 2

Clause **1.** This Act may be cited as the *Justice and Other Legislation (Miscellaneous Provisions) Act 2000*. 3  
4

**Commencement** 5

Clause **2.** This Act commences on a day to be fixed by proclamation. 6

**Acts amended** 7

Clause **3.** The schedule amends the Acts mentioned in it. 8

**Repeal** 9

Clause **4.** The *Australia Acts (Request) Act 1999* is repealed. 10

11

<b>SCHEDULE</b>	1
<b>AMENDMENTS OF ACTS</b>	2
section 2	3
<b>ACTS INTERPRETATION ACT 1954</b>	4
<b>Amendment</b>	5
<b>1. After section 13A—</b>	6
<i>insert—</i>	7
<b>‘Acts not to affect powers, rights or immunities of Legislative Assembly except by express provision</b>	8 9
‘ <b>13B.(1)</b> An Act enacted after the commencement of this section affects the powers, rights or immunities of the Legislative Assembly or of its members or committees only so far as the Act expressly provides.	10 11 12
‘ <b>(2)</b> For subsection (1), an Act affects the powers, rights or immunities mentioned in the subsection if it abolishes any of the powers, rights or immunities or is otherwise wholly or partly inconsistent with their continued existence, enjoyment or exercise.	13 14 15 16
‘ <b>(3)</b> In this section—	17
<b>“rights”</b> includes privileges.’.	18
<b>2. Section 36, definitions “magistrate” and “stipendiary magistrate”—</b>	19
<i>omit.</i>	20
<b>3. Section 36—</b>	21
<i>insert—</i>	22

SCHEDULE (continued)

‘ “AS” means Australian Standard made or published by Standards Australia.	1 2
<b>“Australian Standard”</b> means a standard made or published by Standards Australia.	3 4
<b>“magistrate”</b> means a magistrate appointed under the <i>Magistrates Act 1991</i> .	5 6
<b>“see”</b> , followed by a reference to, or to a provision of, any Act, law or document, when used to define a word, entity, thing or matter, means the word, entity, thing or matter has the same meaning as it has in the provision, Act, law or document.	7 8 9 10
<b>“Standards Association of Australia”</b> , for anything done or to be done on or after 1 July 1999, includes a reference to Standards Australia International Limited ACN 087 326 690.	11 12 13
<b>“Standards Australia”</b> means Standards Australia International Limited ACN 087 326 690, and includes a reference to the Standards Association of Australia as constituted before 1 July 1999.’.	14 15 16
<b>4. Section 36, definition, “definition”, examples of definitions—</b>	17
<i>insert—</i>	18
‘4. “X” see section 3.	19
5. “X” see <i>XYZ Act</i> , schedule 3.’.	20
<b>5. Section 38(2) and (3)—</b>	21
<i>omit, insert—</i>	22
‘(2) If the time, or last day of a period, calculated forwards that is provided or allowed by an Act for doing anything falls on an excluded day, the time, or last day, is taken to fall on the next day later that is not an excluded day.	23 24 25 26



## SCHEDULE (continued)

‘(3) If the time, or earliest day of a period, calculated backwards that is provided or allowed by an Act for doing anything falls on an excluded day, the time, or earliest day, is taken to fall on the next day earlier that is not an excluded day.’. 1  
2  
3  
4

**6. Section 38—** 5

*insert—* 6

‘(5) In this section— 7

**“excluded day”—** 8

(a) for filing or registering a document—means a day on which the office is closed where the filing or registration must or may be done; or 9  
10  
11

(b) otherwise—means a day that is not a business day in the place in which the thing must or may be done.’. 12  
13

**AUSTRALIAN CONSULAR OFFICERS’ NOTARIAL  
POWERS AND EVIDENCE ACT 1946** 14  
15

**Amendment** 16

**1. Title, after ‘officers’—** 17

*insert—* 18

‘and authorised employees’. 19

**2. Section 2—** 20

*insert—* 21

‘**“authorised employee”** means an employee of— 22

SCHEDULE (continued)

(a) the Commonwealth authorised under section 3(c) of the <i>Consular Fees Act 1955</i> (Cwlth); or	1 2
(b) the Australian Trade Commission authorised under section 3(d) of the <i>Consular Fees Act 1955</i> (Cwlth).’.	3 4
<b>3. Section 3, after ‘consular officer’—</b>	5
<i>insert—</i>	6
‘or authorised employee’.	7
<b>4. Section 4(1), after ‘consular officer’—</b>	8
<i>insert—</i>	9
‘or authorised employee’.	10
 <b>CHILDRENS COURT ACT 1992</b>	11
<b>Amendment</b>	12
<b>1. Section 14(3), ‘<i>Stipendiary Magistrates Act 1991</i>’—</b>	13
<i>omit, insert—</i>	14
‘ <i>Magistrates Act 1991</i> ’.	15

SCHEDULE (continued)

**CRIMINAL CODE**

**Amendment**

**1. Section 432—**

*omit.*

**DRUG REHABILITATION (COURT DIVERSION)  
ACT 2000**

**Amendment**

**1. Section 7(1)(b)—**

*insert—*

- section 413.<sup>1</sup>.

**2. Section 37—**

*insert—*

‘**(1A)** To remove any doubt, it is declared that subsection (1) does not prevent a prosecution if there is evidence, other than the admission or evidence obtained as a result of the admission, implicating the accused.’.

---

<sup>1</sup> Criminal Code, section 413 (Assault with intent to steal)

## SCHEDULE (continued)

- 3. Section 37(3)(b), after ‘section 552B’—** 1  
*insert—* 2  
‘or the *Drugs Misuse 1986*, section 13<sup>2</sup>’. 3
- 4. Schedule, definition “offender”, ‘section 20’—** 4  
*omit, insert—* 5  
‘section 17’. 6

**EVIDENCE ACT 1977** 7

- Amendment** 8
- 1. Section 15(2)(c), proviso—** 9  
*omit.* 10
- 2. Section 15—** 11  
*insert—* 12  
‘(3) A question of a kind mentioned in subsection (2)(a), (b) or (c) may 13  
be asked only with the court’s permission. 14  
‘(4) If the proceeding is a trial by jury, an application for the court’s 15  
permission under subsection (3) must be made in the absence of the jury.’. 16
- 3. After section 46A—** 17  
*insert—* 18

---

<sup>2</sup> *Drugs Misuse Act 1986*, section 13 (Certain offences may be dealt with summarily)

## SCHEDULE (continued)

<b>‘Court or tribunal may inform itself about Act or statutory instrument</b>	1 2
<b>‘46B.(1)</b> A court or tribunal may inform itself about an Act or statutory instrument in any way it considers appropriate.	3 4
<i>Examples of ways that may be appropriate—</i>	5
1. Using an electronic version of an Act as available on the internet or on a CD-ROM other than an authorised reprint under the <i>Reprints Act 1992</i> .	6 7
2. Using a printed copy of an Act in a publication other than an authorised reprint under the <i>Reprints Act 1992</i> .	8 9
<b>‘(2)</b> However, the court or tribunal must consider whether the document or source it intends to consult appears to be a reliable source of information.	10 11
<b>‘(3)</b> Subsection (1) does not limit any law providing for a way in which a court or tribunal may be informed about an Act or statutory instrument, including any other provision of this Act or the <i>Reprints Act 1992</i> .’.	12 13 14
<b>4. Section 49, after ‘Australia,’—</b>	15
<i>insert—</i>	16
‘Standards Australia.’	17
<b>5. Section 92(2)(d), from ‘statement’, second mention—</b>	18
<i>omit, insert—</i>	19
‘statement the maker made or in the information the supplier supplied; or’.	20 21

## SCHEDULE (continued)

**EVIDENCE AND DISCOVERY ACT 1867****Amendment****1. Section 37A(1)—***insert—*‘**“authorised employee”** means an employee of—

- (a) the Commonwealth authorised under section 3(c) of the *Consular Fees Act 1955* (Cwlth); or
- (b) the Australian Trade Commission authorised under section 3(d) of the *Consular Fees Act 1955* (Cwlth).’.

**2. Section 37A(2), (2A), (3), (3A) and (4), after ‘consular officer’—***insert—*

‘or authorised employee’.

**3. Section 38, after ‘consular officer’—***insert—*

‘or an authorised employee’.

**FREEDOM OF INFORMATION ACT 1992****Amendment****1. Section 11(1)(g), ‘Stipendiary Magistrates Act 1991’—***omit, insert—*‘*Magistrates Act 1991*’.

SCHEDULE (continued)

<b>JUDGES (PENSIONS AND LONG LEAVE) ACT 1957</b>	1
<b>Amendment</b>	2
<b>1. Section 15(5)—</b>	3
<i>omit, insert—</i>	4
‘(5) A judge who is entitled to additional leave of absence under subsection (1) may, with the Governor in Council’s approval, and subject to the administrative requirements of the court, take the additional leave in periods of less than 6 months.’.	5 6 7 8
 <b>JUDGES (SALARIES AND ALLOWANCES) ACT 1967</b>	 9
<b>Amendment</b>	10
<b>1. Section 5(3)—</b>	11
<i>insert—</i>	12
‘(g) a member of the industrial commission.’.	13
 <b>2. Section 12(1)(c), from ‘the Chief’—</b>	 14
<i>omit, insert—</i>	15
‘a member of the industrial commission; and’.	16
 <b>3. Section 12(8), definition “relevant Minister”, paragraph (b), ‘industrial commissioners’—</b>	 17 18
<i>omit, insert—</i>	19
‘a member of the industrial commission’.	20

SCHEDULE (continued)

- |  |       |
|--|-------|
| <b>4. Section 13(2)(b), ‘an industrial commissioner’—</b>          | 1     |
| <i>omit, insert—</i>   | 2     |
| ‘a member of the industrial commission’.                           | 3     |
| <br><b>5. Section 13(2)(b)(ii), ‘the industrial commissioner’—</b> | <br>4 |
| <i>omit, insert—</i>   | 5     |
| ‘the member’.  | 6     |

**JUDICIAL REVIEW ACT 1991** 7

- |   |    |
|---|----|
| <b>Amendment</b>  | 8  |
| <b>1. Schedule 1, part 2, item 5, ‘<i>Stipendiary Magistrates Act 1991</i>—</b> | 9  |
| <i>omit, insert—</i>  | 10 |
| ‘ <i>Magistrates Act 1991</i> ’.  | 11 |

**JUSTICES ACT 1886** 12

- |   |    |
|---|----|
| <b>Amendment</b>                            | 13 |
| <b>1. Section 98Q(1), ‘certified mail’—</b> | 14 |
| <i>omit, insert—</i>                        | 15 |
| ‘ordinary post’.                            | 16 |



SCHEDULE (continued)

- |  |               |
|--|---------------|
| <b>2. Section 142A(2), from ‘and the provisions’—</b>  | 1             |
| <i>omit, insert—</i>   | 2             |
| ‘other than so far as this section is inconsistent with the other provisions of this Act.’   | 3<br>4        |
| <b>3. Section 142A(15)—</b>  | 5             |
| <i>omit.</i>   | 6             |
| <b>4. After section 222(2)(a)—</b>   | 7             |
| <i>insert—</i>   | 8             |
| ‘(aa) after entering into the recognisance, the appellant must immediately forward the recognisance to the clerk of the court at the place where the decision was given;’. | 9<br>10<br>11 |
| <b>5. Section 222(2)(b), after ‘justices’—</b>   | 12            |
| <i>omit, insert—</i>   | 13            |
| ‘and the recognisance’.  | 14            |

**LAW REFORM ACT 1995** 15

- |   |    |
|---|----|
| <b>Amendment</b>                            | 16 |
| <b>1. Section 18A(1), after ‘employee’—</b> | 17 |
| <i>insert—</i>                              | 18 |
| ‘or other employee of the State’.           | 19 |

## SCHEDULE (continued)

**MAGISTRATES COURTS ACT 1921****Amendment****1. Section 17—***insert—*

‘(3) A bailiff may appoint an appropriate person in writing to assist the bailiff.

‘(4) The bailiff is responsible for the civil acts and defaults of the assistant in the discharge or purported discharge of the assistant’s duties as assistant.’.

**MAINTENANCE ACT 1965****Amendment****1. Section 98(6), from ‘At’ to ‘year’—***omit, insert—*

‘Within 1 month after a proclamation is made under subsection (1), (2) or (4)’.

**OATHS ACT 1867****Amendment****1. Section 17(1), from ‘upon’ to ‘objection’—***omit.*

SCHEDULE (continued)

<b>2. Schedule, from ‘truth, and I make’—</b>	1
<i>omit, insert—</i>	2
‘truth.’.	3

**PENALTIES AND SENTENCES ACT 1992** 4

<b>Amendment</b>	5
<b>1. Section 69(2), ‘10’—</b>	6
<i>omit, insert—</i>	7
‘5’.	8

**PROPERTY LAW ACT 1974** 9

<b>Amendment</b>	10
<b>1. Part 6, division 3, after section 70—</b>	11
<i>insert—</i>	12
<b>‘Computers inoperative on day for completion</b>	13
<b>‘70A.(1) This section applies if—</b>	14
(a) a contract for the sale of land does not provide otherwise; and	15
(b) time is of the essence of the contract; and	16

## SCHEDULE (continued)

- (c) the purchaser under the contract, without default on the purchaser's part, can not, on the date for completion of the contract, verify the vendor's title because computers in the relevant office of the land registry under the *Land Title Act 1994* are inoperative for any reason. 1  
2  
3  
4  
5
- '(2) Time ceases to be of the essence of the contract. 6
- '(3) The vendor is taken— 7
- (a) not to have proved title to the land; and 8
- (b) not to be in breach of the contract only because of the failure to prove title at that time. 9  
10
- '(4) The vendor or purchaser may give a written notice to the other party to the contract to complete the sale. 11  
12
- '(5) The notice must state— 13
- (a) that the computers are again fully operational; and 14
- (b) a period of days, of not more than 7 business days, from the day the notice is given for completion of the sale. 15  
16
- '(6) The notice may be given no earlier than the day after the first continuous day of operation of the computers after computer operation is fully restored. 17  
18  
19
- '(7) From a party's receipt of the notice, time is again of the essence of the contract.' 20  
21

**PUBLIC TRUSTEE ACT 1978** 22

- Amendment** 23
- 1. Section 17A(1)(a)—** 24
- omit, insert—* 25

SCHEDULE (continued)

‘(a) expenses (including liabilities) a trustee may retain or pay out of trust property, or that the public trustee considers are necessary or expedient for the management of the estate; and’.	1 2 3
<b>2. Section 17A(3)(a)—</b>	4
<i>omit, insert—</i>	5
‘(a) fees and expenses payable, including fees and expenses payable under this section for the administration of the estate; and’.	6 7
<b>3. Section 19(1)(c), after ‘credited’—</b>	8
<i>insert—</i>	9
‘at least’.	10
 <b>ROYAL QUEENSLAND THEATRE COMPANY ACT</b>	 11
<b>1970</b>	12
 <b>Amendment</b>	 13
<b>1. Section 54, ‘financial year’—</b>	14
<i>omit, insert—</i>	15
‘year’.	16

## SCHEDULE (continued)

<b>STATE PENALTIES ENFORCEMENT ACT 1999</b>	1
<b>Amendment</b>	2
<b>1. Section 10(1), ‘a director and’—</b>	3
<i>omit.</i>	4
<b>2. Section 10(2), ‘director,’—</b>	5
<i>omit.</i>	6
<b>3. Section 11(1)—</b>	7
<i>omit.</i>	8
<b>4. Section 11(2) to (5)—</b>	9
<i>renumber</i> as section 11(1) to (4).	10
<b>5. Section 11(2), as renumbered, ‘(2)’—</b>	11
<i>omit, insert—</i>	12
‘(1)’.	13
<b>6. Section 15(2)(e), from ‘and,’—</b>	14
<i>omit.</i>	15
<b>7. Section 15(3)(a), ‘that’—</b>	16
<i>omit.</i>	17

## SCHEDULE (continued)

<b>8. Section 23(6), ‘written’—</b>	1
<i>omit.</i>	2
<b>9. Section 23—</b>	3
<i>insert—</i>	4
‘(7) Subsection (3) only requires an administering authority to accept payment of an instalment by direct debit if the administering authority is capable of accepting it.’.	5 6 7
<b>10. Section 24(3), after ‘particulars’—</b>	8
<i>insert—</i>	9
‘, or the amended particulars given under subsection (6),’.	10
<b>11. Section 24—</b>	11
<i>insert—</i>	12
‘(6) An administering authority may give to SPER for registration amended particulars mentioned in subsection (1).’	13 14
‘(7) If amended particulars are given and an instalment payment notice for different particulars has already been given to the person, a fresh instalment payment notice must be given to the person.’.	15 16 17
<b>12. Section 30—</b>	18
<i>insert—</i>	19
‘(3) The court may decide an application under subsection (1) on written materials in the absence of a party if the court considers it appropriate.’.	20 21

## SCHEDULE (continued)

<b>13. Section 32(2), from ‘more’ to ‘infringement notice’, first mention—</b>	1
<i>omit.</i>	2
<b>14. Section 41, ‘the infringement notice’—</b>	3
<i>omit, insert—</i>	4
‘the enforcement order’.	5
<b>15. Section 41(e), ‘the administering authority’—</b>	6
<i>omit, insert—</i>	7
‘SPER’.	8
<b>16. Section 42(5), ‘written’—</b>	9
<i>omit.</i>	10
<b>17. Section 46(a)—</b>	11
<i>omit, insert—</i>	12
‘(a) a fine imposed by a court, excluding an ancillary order, or an infringement notice fine; and	13 14
<i>Examples of ancillary orders—</i>	15
1. Professional fees, witnesses expenses and interpreters’ allowances.	16
2. Royalties or another similar amount, including conservation value payable under the <i>Nature Conservation Act 1992</i> .’.	17 18
<b>18. Section 56(2)—</b>	19
<i>omit, insert—</i>	20
‘(2) The application must be made within the earlier of the following—	21



## SCHEDULE (continued)

(a) 14 days after the debtor becomes aware of the existence of the order;	1 2
(b) 6 months after the issue of the relevant enforcement order.’.	3
<b>19. Section 58(1), ‘If’—</b>	4
<i>omit, insert—</i>	5
‘If, within 14 days after the date of the notice of the decision under section 57(5) and’.	6 7
<b>20. Section 59(5), ‘application for the order’—</b>	8
<i>omit, insert—</i>	9
‘referral notice’.	10
<b>21. Section 114(1)—</b>	11
<i>insert—</i>	12
‘(h) the person’s date of birth.’.	13
<b>22. Section 118(1)(a), after ‘been’—</b>	14
<i>omit, insert—</i>	15
‘or may be’.	16
<b>23. Section 133(1), ‘written’—</b>	17
<i>omit.</i>	18
<b>24. Section 134(1)(b), ‘written’—</b>	19
<i>omit.</i>	20

## SCHEDULE (continued)

<b>25. Section 134(1)(c)(ii), ‘signed’—</b>	1
<i>omit.</i>	2
<b>26. Section 140(c)—</b>	3
<i>omit, insert—</i>	4
‘(c) if the enforcement warrant relates to an infringement notice, the infringement notice number;’.	5 6
<b>27. Section 146(e)—</b>	7
<i>omit.</i>	8 9
<b>28. Section 146(f) and (g)—</b>	10
<i>renumber</i> as section 146(e) and (f).	11
<b>29. Section 147, ‘the Central Brisbane division’—</b>	12
<i>omit, insert—</i>	13
‘a Magistrates Court in the central division’.	14
<b>30. Section 165—</b>	15
<i>insert—</i>	16
‘(6) A regulation may be made about fees.’.	17 18
<b>31. Section 170(1) and (2), ‘a local government’—</b>	19
<i>omit, insert—</i>	20
‘an administering authority’.	21

## SCHEDULE (continued)

<b>32. Schedule 2—</b>	1
<i>insert—</i>	2
‘ <b>“motor vehicle”</b> means a vehicle propelled by a motor that forms part of the vehicle, and includes a trailer attached to the vehicle.	3
‘ <b>“vehicle”</b> includes a boat.’.	4
	5
<b>33. Schedule 2, definition “fine option order”, ‘infringement notice’—</b>	6
<i>omit, insert—</i>	7
‘enforcement order’.	8

<b>STATUTORY INSTRUMENTS ACT 1992</b>	9
---------------------------------------	---

<b>Amendment</b>	10
<b>1. Schedule 1—</b>	11
<i>insert—</i>	12
‘section 13B’.	13

<b>STIPENDIARY MAGISTRATES ACT 1991</b>	14
---	----

<b>Amendment</b>	15
<b>1. Title, ‘Stipendiary’—</b>	16
<i>omit.</i>	17

## SCHEDULE (continued)

<b>2. Before section 1—</b>	1
<i>insert—</i>	2
<b>‘PART 1—PRELIMINARY’.</b>	3
<b>3. Section 1, ‘Stipendiary’—</b>	4
<i>omit.</i>	5
<b>4. Section 3, definition “reviewable determination” and sections 5, 9, 10, 10D(2), 10G(2), 10H, 11, 12, 13(1) and 18A(2) to (4), ‘Stipendiary’—</b>	6
	7
	8
<i>omit.</i>	9
<b>5. After section 3—</b>	10
<i>insert—</i>	11
<b>‘PART 2—APPOINTMENT, JURISDICTION AND POWERS’.</b>	12
	13
<b>6. After section 8—</b>	14
<i>insert—</i>	15
<b>‘PART 3—CHIEF MAGISTRATE’.</b>	16
<b>7. After section 10—</b>	17
<i>insert—</i>	18
<b>‘PART 4—REVIEWABLE DETERMINATIONS’.</b>	19

## SCHEDULE (continued)

<b>8. After section 10I—</b>	1
<i>insert—</i>	2
<b>‘PART 5—SENIOR MAGISTRATE’.</b>	3
<b>9. After section 12—</b>	4
<i>insert—</i>	5
<b>‘PART 6—FUNCTIONS AND TENURE OF OFFICE’.</b>	6
<b>10. After section 17—</b>	7
<i>insert—</i>	8
<b>‘PART 7—GENERAL’.</b>	9
<b>11. Section 21(a) to (d)—</b>	10
<i>omit, insert—</i>	11
(a) Chief Magistrate; or	12
(b) Senior Magistrate; or	13
(c) Magistrate; or	14
(d) Acting Magistrate;’.	15
<b>12. After section 22—</b>	16
<i>insert—</i>	17
<b>‘PART 8—TRANSITIONAL PROVISIONS</b>	18
<i>‘Division 1—Transitional provision for Act No. 75 of 1995’.</i>	19

SCHEDULE (continued)

<b>13. After section 23—</b>	1
<i>insert—</i>	2
<b><i>‘Division 2—Transitional provision for Act No. 68 of 1999’.</i></b>	3
 <b>14. After section 24—</b>	 4
<i>insert—</i>	5
<b><i>‘Division 3—Transitional provisions for Justice and Other Legislation (Miscellaneous Provisions) Act 2000</i></b>	6 7
 <b>‘References to stipendiary magistrate</b>	 8
<b>‘25. In an Act—</b>	9
(a) a reference to the Chief Stipendiary Magistrate is taken to be a reference to the Chief Magistrate; and	10 11
(b) a reference to a Senior Stipendiary Magistrate is taken to be a reference to a Senior Magistrate; and	12 13
(c) a reference a Stipendiary Magistrate is taken to be a reference to a magistrate.	14 15
 <b>‘Change of name of office not to affect office holders</b>	 16
<b>‘26. To remove any doubt, it is declared that the change in the name of the office of Chief Stipendiary Magistrate, Senior Stipendiary Magistrate or Stipendiary Magistrate to Chief Magistrate, Senior Magistrate or magistrate does not affect the appointment to, or the continuation in, the office of a person holding the office immediately before the commencement of this section.</b>	17 18 19 20 21 22

SCHEDULE (continued)

**‘Existing appointments**

‘**27.** A person who, immediately before the commencement of this section, holds an appointment as a magistrate under section 5, including a stipendiary magistrate mentioned in section 23, is taken from the commencement to be appointed as a magistrate under section 5.’.

**SUPREME COURT ACT 1995**

**Amendment**

**1. Title, after ‘Court’—**

*insert—*

**‘, and for other purposes’.**

**2. Section 2, heading—**

*omit, insert—*

**‘Act is, in part, a consolidation’.**

**3. Section 2(1), ‘This Act is’—**

*omit, insert—*

**‘This Act, as in force at the commencement of this section, is, in part,’.**

**4. Section 68, after ‘section 37A,’—**

*insert—*

**‘or before an authorised employee’.**

SCHEDULE (continued)

<b>5. Section 68—</b>	1
<i>insert—</i>	2
‘(2) In this section—	3
“authorised employee” means an employee of—	4
(a) the Commonwealth authorised under section 3(c) of the <i>Consular Fees Act 1955</i> (Cwlth); or	5 6
(b) the Australian Trade Commission authorised under section 3(d) of the <i>Consular Fees Act 1955</i> (Cwlth).’.	7 8
 <b>6. Section 125, after ‘section 37A,’—</b>	 9
<i>insert—</i>	10
‘or authorised employee’.	11
 <b>7. Section 125, after ‘section 37A’, second mention—</b>	 12
<i>insert—</i>	13
‘or before an authorised employee’.	14
 <b>8. Section 125—</b>	 15
<i>insert—</i>	16
‘(2) In this section—	17
“authorised employee” means an employee of—	18
(a) the Commonwealth authorised under section 3(c) of the <i>Consular Fees Act 1955</i> (Cwlth); or	19 20
(b) the Australian Trade Commission authorised under section 3(d) of the <i>Consular Fees Act 1955</i> (Cwlth).’.	21 22



## SCHEDULE (continued)

**SUPREME COURT OF QUEENSLAND ACT 1991****Amendment****1. Section 14—***insert—*

‘(2A) The Governor in Council may, by commission, appoint either of the following persons to act as a judge for up to 1 year—

- (a) a person who is, or has been, a judge of the Supreme Court of another State or Territory;
- (b) a person who is, or has been, a judge of the Federal Court of Australia.’

**TRUST ACCOUNTS ACT 1973****Amendment****1. Section 15(1)(d)(ii) and (iii)—***omit, insert—*

- ‘(ii) a member of the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants in Australia; or
- (iii) a person who holds a public practising certificate issued by the National Institute of Accountants and has completed a tertiary course of study in accounting with an auditing component from an institute prescribed under the Corporations Law, section 1280(2); or

SCHEDULE (continued)

- |   |                  |
|---|------------------|
| (iv) a person approved by the chief executive who has completed a tertiary course of study in accounting with an auditing component from an institute prescribed under the Corporations Law, section 1280(2); or <sup>7</sup> . | 1<br>2<br>3<br>4 |
|---|------------------|

**TRUSTEE COMPANIES ACT 1968** 5

**Amendment** 6

**1. Schedule 2, part 2, ANZ EXECUTORS AND TRUSTEE COMPANY LIMITED, paragraph (c) and (ca)—** 7  
8

*omit.* 9

**2. Schedule 2, part 2, ANZ EXECUTORS AND TRUSTEE COMPANY LIMITED, paragraphs (cb)—** 10  
11

*renumber* as paragraph (c). 12

**3. Schedule 2, part 2, PERPETUAL TRUSTEES AUSTRALIA LIMITED, paragraph (c)—** 13  
14

*omit.* 15

**4. Schedule 2, part 2, PERPETUAL TRUSTEES AUSTRALIA LIMITED, paragraph (ca)—** 16  
17

*renumber* as paragraph (c). 18

**5. Schedule 2, part 2, PERPETUAL TRUSTEES QUEENSLAND LIMITED, paragraph (c)—** 19  
20

*omit.* 21

## SCHEDULE (continued)

<b>6. Schedule 2, part 2, PERPETUAL TRUSTEES QUEENSLAND LIMITED, paragraph (ca)—</b>	1
	2
<i>renumber</i> as paragraph (c).	3
<b>7. Schedule 2, part 2, TRUST COMPANY OF AUSTRALIA LIMITED, paragraph (c)—</b>	4
	5
<i>omit.</i>	6
<b>8. Schedule 2, part 2, TRUST COMPANY OF AUSTRALIA LIMITED, paragraph (ca)—</b>	7
	8
<i>renumber</i> as paragraph (c).	9

## TRUSTS ACT 1973 10

<b>Amendment</b>	11
<b>1. Section 5, definition “public accountant”—</b>	12
<i>omit, insert—</i>	13
‘ “public accountant” means—	14
(a) a person registered, or taken to be registered, as an auditor under the Corporations Law; or	15 16
(b) a member of the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants in Australia; or	17 18 19
(c) a person who holds a public practising certificate issued by the National Institute of Accountants and has completed a tertiary course of study in accounting with an auditing component from an institute prescribed under of the Corporations Law, section 1280(2); or	20 21 22 23 24

- (d) a person approved by the chief executive who has completed a tertiary course of study in accounting with an auditing component from an institute prescribed under of the Corporations Law, section 1280(2).’.

**2. Section 67(1)(a) to (d)—**

*omit, insert—*

- ‘(a) if the deceased’s last known address is more than 150 km from Brisbane—a local newspaper circulated and sold at least once each week in the area of the deceased’s last known address; or
- (b) otherwise—a newspaper circulating throughout the State or a newspaper approved for the area of the deceased’s last known address by the Chief Justice under a practice direction;’.